IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2074 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARIBHAI D BRAHAMKSHTRIYA THRO' PAH D H BRAHAMBHATT

Versus

STATE OF GUJARAT

Appearance:

MR KS JHAVERI for Petitioner No. 1

MR KT DAVE AGP for Respondents No. 1-2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/01/2002

ORAL JUDGEMENT

The land bearing City Survey Sheet No. 22-33 and Survey Nos. 256 to 262 situated at Nava Deesa, District Banaskantha was granted to one I.P Mission Trust for religious and educational purposes. The petitioner was

inducted as a tenant in part of the said land, admeasuring 6,840 sq.yards., by the said I.P Mission Trust on 20th October, 1975. The said I.P Mission Trust thus appears to have violated the conditions of grant for which the proceedings were initiated by the Collector, District-Banaskantha. The order of the Collector, Banaskantha dated 23rd March, 1983 was challenged before the State Government. The State Government, under its order dated 23rd January, 1984 made on Revision Application No. 556 of 1983 set-aside the said order dated 23rd March, 1983 and remanded the matter to the Collector for hearing and decision afresh. After the remand, the Collector, District Banaskantha under his Order dated 2nd November, 1988 held that the IP Mission Trust had not observed the conditions of grant and ordered forfeiture of the land. Feeling aggrieved, the petitioner-tenant preferred Revision Application No. 1 of 1989 before the State Government. The State Government [Additional Chief Secretary (Appeals), Revenue Department] under its order dated 23rd January, 1989 held that the proceedings were initiated against the IP Mission Trust and the petitioner had no locus standi to prefer the Revision Application. Feeling aggrieved, the petitioner has preferred the present petition.

Indisputably, the petitioner has been inducted as a tenant in the land in question by the said IP Mission Trust as far back as in the year 1975. It would, therefore, be the petitioner who would be adversely affected by the order of forfeiture made by the District Collector. The petitioner, therefore, would be a party aggrieved and interested and shall have a right to prefer Revision Application against the order made by the District Collector, Banaskantha. The approach of the Government that the petitioner had no locus standi to challenge the said order dated 3rd January, 1989 is unjusticiable.

The petition is, therefore, allowed. The impugned order dated 23rd January, 1989 made by the State Government in Revision Application No. 1 of 1989 is quashed and set-aside. The Revision Application is remanded to the State Government for hearing and decision on merits. Rule is made absolute to that extent. Interim relief is vacated. The parties shall bear their own costs.

[Ms. R.M Doshit, J.]

Prakash*